

REMARKS

The application has been amended to place the application in condition for allowance at the time of the next Official Action.

The specification has been amended to make editorial changes therein consistent with the drawing figures.

Claims 1-27 were previously pending in the application. Claims 13-27 are cancelled and new claims 28 and 29 are added. Therefore, claims 1-12 and 28 and 29 are presented for consideration.

Withdrawn claims 13-27 are cancelled without prejudice and may be made the subject of a divisional application at any time during the pendency of the present application.

Canceling claim 26 is believed to render moot the rejection over ANDERSSON et al. U.S. Publication 2003/0198788.

Claims 1, 2, 4-8, 11 and 26 are rejected as unpatentable over HOEFT et al. 6,551,691 in view of THOMAS 3,650,882. This rejection is respectfully traversed.

Claim 1 recites bringing a third web shaped flexible material in contact with a glue applied side of a combined first and second web shaped flexible material in a press nip.

Accordingly, the first and second web shaped flexible materials are first combined and then brought into contact with the third web shaped flexible material.

In contrast, as seen in Figure 2 of HOEFT et al. and Figure 1 of THOMAS, each of the first through third webs is simultaneously glued together. Neither of these references teach or suggest gluing a first and second web shaped flexible material to each other and then bringing a third web shaped flexible material in contact with a glue applied side of the combined first and second web shaped flexible materials as recited.

Moreover, the motivation offered in the Official Action for combining the references is inconsistent with the teachings of the references.

Column 8, lines 8-14 of HOEFT teach spraying a hot melt glue on both sides of a central ply or spraying an aqueous adhesive onto the central ply. Column 8, lines 15-19 of HOEFT further teach that the advantage of the methods of HOEFT is that the methods can be used to make a three-ply paper using a facility designed for manufacturing a conventional two-ply paper, without requiring substantial changes in components or adjustments.

Reconfiguring HOEFT to bond the first two webs together before they contact the third web would require an additional glue station and an additional joining apparatus. These additional devices would require a substantial change to the conventional two-ply product facility to enable three plies to be bonded together by first bonding two of the plies and then

bonding the two previously-bonded plies to the third ply as suggested.

The Federal Circuit has held that if a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Modifying HOEFT in the manner suggested would render HOEFT unsatisfactory for its intended purpose of using a facility designed for manufacturing a conventional two-ply paper without requiring substantial changes in components or adjustments. Accordingly, there is no suggestion or motivation to make the proposed modification.

In any event, even if the proposed modification were made, THOMAS teaches connection of a first, second and third webs to each other in a single nip and does not teach or suggest to bond the first two webs together before they contact the third web.

In addition, THOMAS does not teach that for which it is offered.

Claim 1 recites that the glue pattern of the second glue transfer roll is substantially aligned with the glue pattern applied by the first glue transfer roll.

Figure 8 of THOMAS is offered for this teaching. Figure 8 of THOMAS shows the nips combining the material together

and Figure 8A shows the toweling material produced using the nip illustrated in Figure 8.

THOMAS at column 3, lines 60-62 teaches that the bonding in connection with the structure of Figure 8A is less uniform, that is, more random, than the previously described toweling material in Figure 2. Column 3, lines 2-7 of THOMAS describe the bonding in Figure 2 as webs 1 and 12 not being exactly provided with their embossments in opposed relationship with the nip and no attempt is made to control sheet 12 to so provide the embossments in opposition. Thus, THOMAS specifically teaches away from having the glue patterns aligned.

Accordingly, there is neither motivation to combine the references in the manner suggested in the first instance, nor does the proposed combination of references teach each of the recited limitations of claim 1. Therefore, claims 1, 2, 4-8 and 11 are believed patentable over the proposed combination of references. Claim 26 is cancelled and the rejection as to this claim is believed moot.

In addition, the dependent claims include limitations not disclosed by the combination of references. Claim 11 recites that the glue used in the first and second glue application devices are different as to at least one of chemical composition and physical properties.

The position set forth in the Official Action as to this limitation is that more applications of a colored adhesive

would not be necessary. The Examiner asserts that if only one of two adhesives is dyed, that would be sufficient since the addition of a second dye would render the adhesive more expensive and since the adhesive drops align on top of each other, only one would need to be colored.

However, the above-noted conclusion is neither supported by the references nor what would be considered by one of ordinary skill in the art.

Column 8, lines 50-54 of HOEFT et al. offered for this teaching, merely disclose a dyed adhesive and do not teach that one dyed adhesive is sufficient to form a pattern.

Moreover, as recognized by one of ordinary skill in the tissue art, two sides of the tissue are equally visible and the aesthetic impression of the tissue is equally important for both sides of the tissue. When a glue pattern is to be visible to both sides, the person skilled in the art would realize that applying dye to only one of the patterns will make the two sides of the tissue different from each other.

Specifically, the side with the ply facing the non-colored glue site will have a much paler appearance than the side with the ply facing the colored glue site. Therefore, the tissue would not have the desired aesthetic impression on both sides. Accordingly, the conclusion set forth in the Official Action that glue is only sufficient in one site is neither taught by HOEFT

nor would be practiced by and thus not obvious to one of ordinary skill in the art.

Claim 3 is rejected as unpatentable over HOEFT et al. in view of THOMAS and further in view of KUDO et al. 6,802,932. This rejection is respectfully traversed.

KUDO is only cited for the teaching of having a lamination roller after an adhesive is applied to a layer. KUDO et al. do not teach or suggest what is recited in claim 1. As set forth above, HOEFT et al. in view of THOMAS does not teach or suggest what is recited in claim 1. Since claim 3 depends from claim 1 and further defines the invention, the proposed combination of references would not have been sufficient to render obvious claim 3.

Claims 9 and 10 are rejected as unpatentable over HOEFT et al. in view of THOMAS and further in view of RUPPEL et al. 5,382,464. This rejection is respectfully traversed.

Claim 9 recites that the glue sites of the first and second glue patterns are different as to shape, size and/or color.

The position set forth in the Official Action is that HOEFT et al. in view of THOMAS do not disclose the adhesive patterns being different for the two different adhesive applications. Figure 3 of RUPPEL et al. is offered for this teaching.

Figure 3 of RUPPEL shows that a center web can be bonded to one of the side webs more often than it is bonded to the other side webs to provide higher mechanical strength to the web. Thus, in order to have the benefits of the increased mechanical strength as taught by RUPPEL, the bonds would not be aligned with each other.

However, recall that claim 9 depends from claim 1 and further defines the invention and that claim 1 requires that the first and second glue patterns are substantially aligned with each other. Since RUPPEL teaches away from having aligned patterns, claim 9, when taken in conjunction with claim 1 from which it depends, would not have been obvious in view of the proposed combination of references.

Claim 10 recites that the glue sites of the first and second glue patterns when aligned in the thickness direction of the multi-ply web form a pattern, symbol, or figure.

The position set forth in the Official Action is that HOEFT et al. teach that the adhesive can be colored to provide a pattern.

However, this interpretation of HOEFT is inconsistent with the teachings of this reference.

In HOEFT, it is the patterns 5 and 7 that form the pattern when they are embossed by the protrusions 6, 8. As seen in Figure 1 of HOEFT, the larger embossed pattern 5 is then combined with an embossed pattern of a second ply and glued at

that contact point 11. If a colored adhesive is used in HOEFT, the pattern already formed in the web is enhanced by that color. However, the adhesive of HOEFT itself does not form a pattern, symbol, or figure as recited.

Claim 12 is rejected as unpatentable over HOEFT et al. in view of THOMAS and further in view of SCHULZ 4,325,768.

SCHULZ is only cited for the teaching of embossing a multi-layer laminate after lamination of the webs. SCHULZ does not teach or suggest what is recited in claim 1. As set forth above, HOEFT et al. in view of THOMAS does not disclose or suggest what is recited in claim 1. Since claim 12 depends from claim 1 and further defines the invention, the proposed combination of references would have been insufficient to render claim 12 *prima facie* obvious.

New claims 28 and 29 are added. New claim 28 is directed to a method for producing a multi-ply web using non-embossed webs that are laminated together without being embossed. Support for new claim 28 can be found on page 10, lines 24-30.

New claim 29 is directed to a method for producing a multi-ply web wherein a first glue pattern corresponds to a configuration of each of the protuberances of a first glue transfer roll and second glue pattern corresponds to the protuberances of a second glue transfer roll. Support for this limitation can be found in Figure 3, for example.

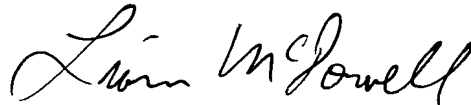


The cited references neither alone nor in combination teach or suggest the limitations of new claims 28 and 29.

In view of the present amendment and foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Liam McDowell".

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